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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,864	07/21/2006	Hiroshi Kigawa	294031US3PCT	1574
22850	7590	08/11/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
PICO, ERIC E				
ART UNIT		PAPER NUMBER		
3654				
NOTIFICATION DATE		DELIVERY MODE		
08/11/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/586,864

Applicant(s)

KIGAWA ET AL.

Examiner

ERIC PICO

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-13 is/are pending in the application.
- 4a) Of the above claim(s) 3-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim(s) 13** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. U.S. Patent No. 6247557 in view of Mitsui PCT Publication No. WO 02/22486.
3. **Regarding claim 13**, Kobayashi et al. discloses a machine room-less elevator comprising:
 4. a car 4 movable in a hoistway having a top, said car 4 having a front surface containing a door, shown in Figure 13, two side surfaces, a rear surface, and a center of gravity in the horizontal plane, shown in Figure 14;
 5. guide rails 9a, 9b on each side of said car 4 along which said car 4 moves; said guide rails 9a, 9b being located symmetrically with respect to the center of gravity of said car 4 in the horizontal plane and such that a line connecting the tips of said guide rails 9a, 9b to each other passes near the center of gravity on one side thereof, shown in the figure below;
 6. a counterweight 6 which raises and lowers in the opposite direction to the motion of said car 4 along the rear surface of said car 4;

Art Unit: 3654

7. a hoist 2A provided beneath the top of said hoistway; and
8. first and second hoist ropes 7A, 7B, each having two ends, wherein:
9. one end of each of said first and second hoist ropes 7A, 7B is fixed to the right and left sides of said car 4 at suspending points 4ba, 4bb located symmetrically with respect to the center of gravity of said car 4 in the horizontal plane and such that a line connecting said suspending points 4ba, 4bb passes near the center of gravity on the other side thereof;
10. the other end of each of said first and second hoist ropes 7A, 7B is fixed to said counterweight 6; and
11. at least one of said first and second hoist ropes 7A, 7B is driven by said hoist 2A, shown in Figures 13 and 14.
12. Kobayashi et al. is silent concerning guide rails being located symmetrically with respect to the center of gravity of said car in the horizontal plane and such that a line connecting the centers of the tips of said guide rails to each other passes near the center of gravity on one side thereof.
13. Mitsui teaches guide rails 2 being located symmetrically with respect to the center of gravity of said car 4 in the horizontal plane and such that a line connecting the centers of the tips of said guide rails 2 to each other passes near the center of gravity on one side thereof.
14. It would have been obvious to one of ordinary skill in the art at the time of the invention to locate the guide rails disclosed by Kobayashi et al. symmetrically with respect to the center of gravity of said car in the horizontal plane and such that a line

connecting the centers of the tips of said guide rails to each other passes near the center of gravity on one side thereof as taught by Matsui to facilitate the guidance of the elevator car and position the guide rails within the space restraints within the elevator shaft.

15. It would have been obvious to one of ordinary in the art at the time of the invention was made to locate the guide rails disclosed by Kobayashi et al. symmetrically with respect to the center of gravity of said car in the horizontal plane and such that a line connecting the centers of the tips of said guide rails to each other passes near the center of gravity on one side thereof, since it has been held that rearranging parts of an invention involves only routine skill in the art *In re Japiske*, 86 USPQ 70.

Response to Arguments

16. Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 3654

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John Q. Nguyen/

Supervisory Patent Examiner, Art Unit 3654

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